

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANUEL DE JESUS ROSARIO,

Plaintiff,

-against-

JOSE PALMA, JOSE PALMA, JR., THE
JOSE PALMA IRREVOCABLE TRUST,

Defendants.

20cv07387 (JSR) (DF)

**SCHEDULING ORDER
FOR INQUEST AS TO
ATTORNEYS' FEES AND COSTS**

DEBRA FREEMAN, United States Magistrate Judge:

By Memorandum and Order dated May 27, 2021, the Honorable Jed S. Rakoff, U.S.D.J., granted summary judgment in this case, in Plaintiff's favor (*see* Dkt. 27), and, on that same date, Judge Rakoff referred the matter to this Court to conduct an inquest as to the amount of reasonable attorneys' fees and costs that should be awarded to Plaintiff, as against defendants Jose Palma, Jose Palma, Jr., and The Jose Palma Irrevocable Trust (herein, "Defendants") (*see id.*; *see also* Dkt. 28). Accordingly, it is hereby ORDERED that:

1. No later than July 6, 2021, Plaintiff shall serve on Defendants and file a fee application, detailing the amount of attorneys' fees and costs sought. Plaintiff's submission should:

a. include copies of Plaintiff attorneys' contemporaneous time records, so that this Court may assess whether the requested fees are reasonable, *see New York Ass'n for Retarded Children, Inc. v. Carey*, 711 F.2d 1136, 1148 (2d Cir. 1983);

b. address the reasonableness of the hourly rates of the attorneys working on the matter and their support staff, *see Arbor Hill Concerned Citizens Neighborhood Ass'n v. Cnty. of Albany*, 522 F.3d 182, 190 (2d Cir. 2008); and

c. provide copies of invoices or other documentation substantiating the amount of costs that have been incurred.

2. Defendants shall submit a response, if any, to Plaintiff's submission no later than August 5, 2021.

3. IF DEFENDANTS FAILS TO RESPOND TO PLAINTIFF'S SUBMISSIONS BY AUGUST 5, 2021, THEN THIS COURT WILL PROCEED TO ISSUE A REPORT AND RECOMMENDATION CONCERNING ATTORNEY'S FEES ON THE BASIS OF PLAINTIFF'S WRITTEN SUBMISSION ALONE. FURTHER, THIS COURT WILL NOT HOLD A HEARING ON ATTORNEY FEES, UNLESS DEFENDANTS REQUESTS A HEARING, IN WRITING, BY AUGUST 5, 2021. *See Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991) (Fed. R. Civ. P. 55(b)(2) "allows but does not require . . . a hearing"); *Fustok v. ContiCommodity Servs. Inc.*, 873 F.2d 38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.").

Dated: New York, New York
June 3, 2021

SO ORDERED



DEBRA FREEMAN
United States District Judge

Copies to:

All counsel (via ECF)